

**Army Regulation 550–51**

**Foreign Countries and Nationals**

# **International Agreements**

**Headquarters  
Department of the Army  
Washington, DC  
15 April 1998**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 550-51

International Agreements

This revision--

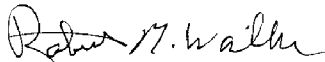
- o Changes the proponent office from the Office of the Deputy Chief of Staff for Operations and Plans to the Office of The Judge Advocate General.
- o Integrates the significant role that the Deputy Under Secretary of the Army (International Affairs) will play in the area of international agreements (para 4a).
- o Establishes the International and Operational Law Division, Office of The Judge Advocate General, as the Army's single office of record for international agreements (para 4c).
- o Requires each MACOM to designate its own office of record (para 4d).
- o Lists the types of agreements for which authority to negotiate and conclude international agreements has not been delegated to the Secretary of the Army (para 6a).
- o Grants Army General Counsel authority to designate legal advisors to teams negotiating agreements for which delegations of negotiating authority must be sought from a DOD official (para 6d).
- o Requires that Army elements forward four copies of concluded agreements, within 10 days after the agreement is signed, to the International and Operational Law Division, Office of The Judge Advocate General. (para 9a).
- o Requires the International and Operational Law Division, Office of The Judge Advocate General, to forward two copies of concluded agreements, through Army General Counsel, to DOD General Counsel, and one copy of concluded agreements to the Assistant Legal Advisor for Treaty Affairs, Department of State (para 9a).

Effective 15 May 1998

**Foreign Countries and Nationals**

**International Agreements**

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*Acting Secretary of the Army*

**History.** This printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

**Summary.** This regulation implements DOD Directive 5530.3, which prescribes responsibilities for Army participation in the international agreement negotiation and conclusion process, describes the scope and

limits of the Secretary of the Army's delegation authority, and sets forth administrative procedures for complying with and transmitting agreements.

**Applicability.** This regulation applies to the Active Army, the Army National Guard of the United States, and the U.S. Army Reserve.

**Proponent and exception authority.** The proponent of this regulation is The Judge Advocate General. The Judge Advocate General has the authority to approve exceptions to this regulation which are consistent with controlling law and regulations. The Judge Advocate General may delegate this authority, in writing, to a division chief within the proponent agency in the grade of colonel or the civilian equivalent.

**Army management control process.** This regulation contains management control provisions in accordance with AR 11-2, but does not contain checklists for conducting management control reviews. Alternative

management control reviews are used to accomplish assessment of management controls.

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAJA-IO), 2200 ARMY PENTAGON WASH DC 20310-2214.

**Suggested Improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAJA-IO), 2200 ARMY PENTAGON WASH DC 20310-2200.

**Distribution.** Distribution of this publication is made in accordance with the initial distribution number (IDN) 092199, intended for command levels C, D, and E for Active Army, Army National Guard of the United States, and U.S. Army Reserve.

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**Contents** (Listed by paragraph and page number)

Purpose • 1, *page 1*  
References • 2, *page 1*  
Explanation of abbreviations and terms • 3, *page 1*  
Responsibilities • 4, *page 1*  
Delegation of authority • 5, *page 2*  
Limits on delegated and redelegated authority • 6, *page 2*  
Language requirements • 7, *page 3*  
Compliance with international agreements • 8, *page 4*  
Transmission of four reproducible copies of international agreements • 9, *page 4*

**Appendix A.** References, *page 5*

**Glossary**

**Index**

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\* This regulation supersedes AR 550-51, dated 1 May 1985.

**RESERVED**

## 1. Purpose

This regulation prescribes Army policy, responsibilities, and procedures for the negotiation, conclusion, forwarding, and depositing of international agreements. This regulation does not apply to international agreements negotiated or concluded by Army elements under procedural authority granted to that Army element by Unified Commands or Subordinate Unified Commands. In the case of such agreements, the procedures set forth in the applicable Unified Command or Subordinate Unified Command regulation or instruction will apply.

## 2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

## 3. Explanation of abbreviations and terms

Abbreviations and special terms are defined in the glossary.

## 4. Responsibilities

a. Heads of Department of the Army (DA) Staff agencies and major Army command (MACOM) commanders (to which paragraph 5b applies) will—

- (1) Ensure full compliance with this regulation.
- (2) Have the option to redelegate, in writing, the authority to negotiate and conclude international agreements.
- (3) Determine whether to prescribe the use of summary procedures in lieu of the procedures set forth in paragraph 6b, when redelegating their authority, and when approving the negotiation or conclusion of an international agreement within their delegated authority. Summary procedures are not authorized for international agreements that must be forwarded, through Headquarters, Department of the Army (HQDA), to Office, Secretary of Defense (OSD) or a Department of Defense (DOD) agency in accordance with paragraph 6b.
- (4) Coordinate agreements cited in paragraphs 5a(1) and (2) that involve “significant” changes in logistic support for U.S. forces (including base adjustments) having an impact on joint plans and programs, with the Joint Staff (JS) through the Office of the Deputy Under Secretary of the Army (International Affairs) (DUSA(IA)).
- (5) Coordinate, as appropriate, through the Office of the DUSA(IA), with the Under Secretary of Defense for Acquisition and Technology (USD/A&T) and the Assistant Secretary of Defense for International Security Policy (ASD/ISP), before negotiating agreements that may have a potential impact on the development or procurement of standardized weapon systems or equipment within the North Atlantic Treaty Organization (NATO), or United States procurement of weapons systems developed by a cooperative development program.
- (6) Coordinate, through the Office of the DUSA(IA), with the Deputy to the Under Secretary of Defense (Policy) for Program Support (DTUSD(P)PS) and the Deputy Chief of Staff for Intelligence (DCSINT, HQDA), the security provisions of international agreements involving or likely to involve the release of classified military information, classified technology, or classified material, before making any commitment to a representative of a foreign government or international organization in accordance with DOD Directive 5230.11, Section E.1.e. Such agreements will be consistent with the National Disclosure Policy (NDP-1) and will meet the conditions for release provided therein.

(7) Obtain the concurrence from legal counsel before tendering any draft of an international agreement to a prospective party to the agreement and before initialing or concluding any international agreement. The concurrence of The Judge Advocate General (TJAG) (DAJA-IO) (for Army Staff agencies and Program Executive Officers) or the Staff Judge Advocate (SJA) (for MACOMs) will include a certification that the agreement complies with the requirements of the Case Act (1 USC 112b, as amended), DOD Directive 5530.3, and this regulation.

(8) Obtain the concurrence of legal counsel prior to making commitments to any foreign government or international organization, either orally or in writing.

(9) Obtain, through the Office of the DUSA(IA), the concurrence of the Assistant Secretary of the Army (Financial Management and Comptroller) prior to the negotiation or conclusion of any international agreement that requires special appropriations or involves unprogrammed costs. MACOMs must obtain the concurrence of the MACOM Comptroller for all other international agreements containing any United States financial obligations or fiscal implications. In addition to these requirements, all coordination with the Under Secretary of Defense (Comptroller), per DOD Directive 5530.3, subsection H.6., shall be made through the Assistant Secretary of the Army (Financial Management and Comptroller).

(10) Report significant changes in the U.S. negotiating position that arise during the course of negotiations to the delegating authority prior to conducting further negotiations or concluding an agreement. Changes which must be reported include substantial differences in the proposed text of an agreement presented to a delegating authority and the text that has evolved. Similarly, material changes in U.S. obligations to be incurred and or benefits received, or in the collateral consequences to the U.S. of the agreement, must be reported. For example, a substantial change in the amount, source, method, or timing of compensation to be provided by the U.S. must be reported. Additionally, a significant alteration in the operational capability or usefulness of a system to be cooperatively developed must be reported.

(11) Coordinate the negotiation of international agreements which may potentially have a significant impact on the plans and programs of Unified Commands with the appropriate Unified Command, if assigned to or located within the geographic area of a Unified Command, or with the Joint Staff if not so assigned or located within a geographic area of a Unified Command. Provide a copy of the concluded agreement to the Unified Command or the Joint Staff, as appropriate.

(12) Detail an Army attorney, whenever feasible, and subject to paragraph 6d, to any delegation charged with negotiating an international agreement.

b. United States officials who have been delegated the authority to approve amendments to international agreements will negotiate and conclude amendments in accordance with the provisions of this regulation.

c. OTJAG (DAJA-IO) will act as the single office of record for the Army. As the single office of record, DAJA-IO will—

(1) Receive and record requests, originating within the Army and requiring OSD or HQDA approval, for the authority to negotiate or conclude an international agreement, and document coordination actions taken on such requests, except as otherwise provided in procedures governing cooperative research, development, test, evaluation and technical data exchange and related standardization agreements.

(2) Record delegations of authority to the Army or elements thereof to negotiate or conclude an international agreement, as well as denials of requests for authorization, except as otherwise provided in procedures governing cooperative research, development, test, evaluation and technical data exchange and related standardization agreements.

(3) Monitor DA compliance with this regulation and DOD Directive 5530.3.

(4) Maintain an index of all international agreements concluded by DA and, by 31 January of each year, forward an updated index, through the Army General Counsel, to the DOD General Counsel. The index shall include, at a minimum, the following information with respect to each agreement:

- (a) The country with which the agreement was made.
- (b) The governmental entity of the country, if applicable, with which the agreement was made.
- (c) The title of the agreement.
- (d) The date of signature.
- (e) The date of entry into force.
- (f) The specific statutory authority providing the substantive legal

basis for the Army to enter into the agreement and to expend funds to implement the agreement.

(g) The date of termination (if any).

(h) Current status (active or inactive); if inactive, give reason for inactive status.

(5) Maintain one reproducible copy of each international agreement concluded by DA, forward two copies of each agreement, through the Army General Counsel, to the DOD General Counsel, and one copy of each agreement to the Assistant Legal Advisor for Treaty Affairs, Department of State.

(6) Ensure that a complete negotiating history file for each international agreement concluded by HQDA is maintained in readily retrievable form within the organizational element that concluded the agreement.

(7) Record significant negotiations undertaken within HQDA or reported by MACOM offices of record. Significant negotiations include the negotiation of agreements of policy significance (as defined in paragraphs 6a(1)(a) through (d), and DOD Directive 5530.3, subsection H.4.a.), agreements expected to receive substantial public attention, and agreements expected to result in substantial DA expenditures or manpower commitments.

(8) Record coordination actions taken on requests originating outside DA to negotiate and conclude international agreements.

d. Each MACOM will designate a central office of record. Each MACOM's central office of record will, with regard to international agreements falling within the scope of the authority redelegated to the MACOM under paragraph 5b,—

(1) Receive and record requests, originating within the MACOM, for the authority to negotiate and conclude an international agreement, and document coordination actions taken on such requests. Forward requests requiring OSD or HQDA approval to OTJAG (DAJA-IO), except as otherwise provided in procedures governing cooperative research, development, test, evaluation and technical data exchange and related standardization agreements.

(2) Record delegations of authority to the MACOM or elements thereof to negotiate and conclude international agreements, and denials of such authorizations. Forward to OTJAG (DAJA-IO), by 10 January of each year, records of authorizations and denials executed within the MACOM under its delegated authority.

(3) Monitor MACOM compliance with this regulation and DOD Directive 5530.3.

(4) Maintain an index of all international agreements concluded by the MACOM or elements thereof. By 10 January of each year, forward an index of all international agreements concluded by the MACOM or its elements during the prior year to OTJAG (DAJA-IO).

(5) Maintain one reproducible copy of each international agreement concluded by the MACOM or its elements and forward four copies in accordance with paragraph 9 of this regulation.

(6) Ensure that a complete negotiating history for each international agreement concluded by the MACOM or its elements is maintained in readily retrievable form within the MACOM.

(7) Report to OTJAG (DAJA-IO) all significant negotiations, as defined in paragraph 4c(7), undertaken by the MACOM, or its elements, prior to the commencement of these negotiations. Resolve doubts concerning what constitutes a significant negotiation in favor of reporting the proposed negotiation to DAJA-IO.

## 5. Delegation of authority

a. *Delegated authority.* The Secretary of Defense (SECDEF) has delegated authority to the Secretary of the Army (SA) to negotiate and conclude the categories of international agreements listed below, except those deemed to have policy significance under the criteria set forth in paragraph 6a(1) of this regulation.

(1) Technical, operational, working, or similar agreements or arrangements pertaining to predominantly DA matters that are concluded pursuant to a treaty or executive agreement. This includes implementing arrangements.

(2) Agreements pertaining predominantly to DA matters that involve cooperative or reciprocal operational, logistical, training, or

other military support, including arrangements for the shared use or licensing of military equipment, facilities, services, and nonphysical resources.

(3) Agreements pertaining predominantly to DA matters that involve combined military planning, command relationships, military exercises and operations, minor and emergency force deployments, exchange programs, and the establishment of liaison positions.

(4) Agreements pertaining predominantly to DA matters that involve the collection or exchange of military information and data, other than military intelligence and technical data excluded by paragraphs 6a(6) and (12), respectively.

(5) Agreements concerning DA health and medical matters, including cooperative research, development, test, evaluation, technical data exchange, and related standardization agreements concerning such matters that are not implemented through the Security Assistance Program.

(6) Agreements pertaining predominantly to DA matters related to—

(a) The sharing or exchange of DOD communications equipment, facilities, support, services, or other communications resources with a foreign country or alliance organization such as NATO (including agreements concluded pursuant to 10 USC 2350f).

(b) The use of United States military frequencies or frequency bands.

(c) The use of United States communications facilities or systems by foreign organizations, whether overseas or in the United States.

b. *Redelegation of authority.* The SA has redelegated the authority to negotiate and conclude the international agreements listed in paragraphs 5a(1) through (6) of this regulation to the DUSA(IA). Subject to coordination with the DUSA(IA) prior to the initiation of negotiations, the DUSA(IA) further redelegates its authority to negotiate and conclude the following international agreements:

(1) The authority in paragraphs 5a(1), (2), (3), (4), and (6) related to international agreements involving civil works matters is redelegated to the Assistant Secretary of the Army (Civil Works) (SACW).

(2) The authority in paragraph 5a(5) related to international agreements is redelegated to the Assistant Secretary of the Army (Manpower and Reserve Affairs (SAMR)), or to major Army command (MACOM) commanders, depending upon the subject matter of the agreement.

(3) The authority in paragraphs 5a(1), (3), (4), and (6), for other than civil works matters, is redelegated to principal HQDA officials and MACOM commanders who exercise substantive responsibility for the subject matter dealt with in the agreement.

(4) The above delegates must determine, in each case, in consultation with their legal counsel, whether they have substantive responsibility for a particular agreement.

c. *Restriction.* This regulation does not eliminate or replace interagency coordination or consultation requirements established in 22 CFR 181, or intraagency coordination requirements established in AR 11-31 and DOD Directive 5530.3. This regulation is of a procedural nature only and does not constitute substantive legal authority to negotiate or conclude any international agreement. Substantive legal authority for each obligation proposed to be assumed by the United States in any international agreement must be found in the law applicable to the relevant subject matter.

## 6. Limits on delegated and redelegated authority

a. Neither the Secretary of the Army, nor any delegatee, may negotiate or conclude the following types of international agreements without the prior written approval of the designated officials below:

(1) International agreements that have "policy significance." These types of agreements must be approved by the Office of the Under Secretary of Defense for Policy (OUSDP(P)), both prior to negotiation and prior to conclusion. Agreements that have "policy significance" include, but are not limited to, agreements that—

(a) Specify national disclosure, technology-sharing or work-sharing arrangements, coproduction of military equipment or offset commitments as part of an agreement for international cooperation in the

research, development, test, evaluation, or production of defense articles, services, or technology.

(b) Directly and significantly affect foreign or defense relations between the United States and another government because of their intrinsic importance or sensitivity.

(c) Require approval, negotiation, or signature at the Office of the Secretary of Defense or at a diplomatic level because of the nature of the agreement.

(d) Create security commitments not currently assumed by the United States in existing mutual security or other defense agreements and arrangements, or which would increase United States obligations with respect to the defense of a foreign government or area.

(2) International agreements that rely on the authority of 10 USC 2304(c)(4) for the use of other than competitive contracting procedures.

(3) International agreements that require new legislative authority for their implementation. Such agreements require the prior approval of the General Counsel, DOD, and the Office of Management and Budget, and will be coordinated with the office of the Chief, Legislative Liaison (SALL-IL).

(4) International agreements concerning coproduction or licensed production, associated with security assistance programs. The negotiation and conclusion of such agreements require the review of the DUSA(IA) and, subsequently, approval of the Defense Security Assistance Agency (DSAA). DSAA is responsible for all coproduction or licensed programs that involve the foreign production of United States designed equipment, under either foreign military sales (FMS) or commercial arrangements, which are financed with either foreign financing or security assistance financing.

(5) International agreements involving coproduction, licensed production, or related standardization matters. The negotiation and conclusion of such agreements, other than those covered by paragraph 6a(4), require the prior approval of the USD(A&T) (such agreements, implemented through the Security Assistance Program, require the prior approval of DSAA).

(6) International agreements concerning intelligence and related matters. All proposals to negotiate and conclude international intelligence agreements (except those involving signals intelligence (SIGINT)) will be submitted to the Deputy Chief of Staff for Intelligence, Counterintelligence/Human Intelligence Directorate (DAMI-CH). DAMI-CH will coordinate all such proposals, through the Office of the DUSA(IA), for the approval of the Defense Intelligence Agency and the national intelligence community. All proposals to negotiate and conclude international SIGINT agreements will be submitted, through the Office of the DUSA(IA), to the Director, National Security Agency.

(7) International agreements relating to communications security technology, services, support, research, or equipment development and production. The negotiation and conclusion of such agreements require the prior approval of the National Security Agency (NSA).

(8) Military and industrial security agreements under the provisions of DOD Directive 5230.11, paragraph E.1.d. The negotiation and conclusion of such agreements require the prior approval of the DTUSD(P)PS.

(9) International agreements relating to on-base financial institutions (for example, military banking facilities and credit unions) and international financial agreements requiring coordination with the Treasury Department under DOD 7000.14-R, Vol. 5. The negotiation and conclusion of such agreements require the prior approval of the OUSD(C).

(10) International agreements related to mapping, charting, or geodesy. The negotiation and conclusion of such agreements require the prior approval of the Defense Mapping Agency.

(11) Standardization agreements, as defined in AR 70-41, that do not involve DA health or medical matters. The negotiation and conclusion of such agreements require the approval of the USD(A&T).

(12) Cooperative research, development, test, evaluation, and technical data exchange, and related standardization agreements, as

defined in AR 70-41, that do not deal with DA health or medical matters. The negotiation and conclusion of such agreements are governed by a distinct procedure promulgated by the USD(A&T). Consult the Office of the Director of International Cooperation, DUSA(IA), to determine the requirements pertaining to the negotiation and conclusion of these agreements.

b. A request to negotiate and conclude an international agreement listed in paragraphs 6a(1) to (11) above, or not otherwise included in the delegation and redelegations of authority set forth in paragraphs 4 and 5, should be submitted to the OSD office or DOD agency having approval authority for the proposed agreement. Such a request will be forwarded through HQDA (DAJA-IO) for recordkeeping purposes. DAJA-IO will forward the request through the Office of the General Counsel of the Army (SAGC) to the OSD office or DOD agency having approval authority for the proposed agreement. SAGC will coordinate the request with DUSA(IA) and any appropriate Assistant Secretaries of the Army. If the request involves coproduction, DAJA-IO will first forward it through the Director of Security Assistance, DUSA(IA).

(1) Requests will have supporting documentation attached, including:

(a) A draft text or outline of the proposed international agreement or an explanation for its unavailability.

(b) A legal memorandum from the negotiating organization's legal office, stating the constitutional, statutory, and other legal authority relied on for each obligation to be assumed by the United States in the agreement, as well as a discussion of other relevant legal considerations.

(c) A fiscal memorandum setting forth the estimated cost, if any, of each obligation to be assumed by DOD in the agreement and the source of funds to be obligated, or a statement that additional funds will be requested for a specified fiscal year(s).

(d) A Technology Assessment/Control Plan, in accordance with the requirements of DOD Directive 5530.3, Section I, paragraph 3.d., and Enclosure 7.

(e) An Industrial Base Assessment, in accordance with 10 USC 2531, stating the net effect of the international agreement on the U.S. domestic industrial base.

(2) Requests will be supplemented with any other information required by the approval authority to fully understand the need for the proposed agreement.

c. DA organizations that are not elements of a MACOM and that do not possess the authority to negotiate or conclude international agreements under this regulation will forward requests for such authority to HQDA (DAJA-IO), in accordance with the procedures set forth in paragraph 6b.

d. If the authority to negotiate a specific agreement is delegated in accordance with paragraphs 6a(12) or 6b, SAGC may designate the legal advisor(s) to serve on the negotiating team.

## 7. Language requirements

International agreements will not be concluded by DA personnel in a foreign language text, unless the requirements in either paragraph a or b below are met.

a. The agreement states that the English language text will be considered by the parties as the governing text in the event of conflict between the different language texts.

b. The agreement states that the English language text and the foreign language text(s) are equally authentic, and—

(1) Each foreign language text of the agreement is accompanied, before conclusion of the agreement, by a memorandum certifying that the foreign language text and the English language text are in conformity with each other and that both texts have the same meaning in all substantive respects.

(2) The memorandum is signed and dated by a civilian, military, or local national translator. This person must be designated as qualified, consistent with local practice, by the DOD official authorized to negotiate and conclude the agreement or by an appropriate Department of State official.

(3) The memorandum will be forwarded to the offices noted in paragraph 9.

#### **8. Compliance with international agreements**

DOD Directive 5530.3, Section K, requires DA to oversee compliance with those international agreements for which it is responsible. The DOD General Counsel (DOD/GC), through the SAGC, must be kept informed of DA compliance with such international agreements. When a question arises concerning the compliance by a party with the terms of an international agreement that cannot be resolved by informal discussion between the responsible working level authorities of the parties, except for questions governed by the procedures set forth in AR 27-50, a report containing all information relevant to such a question will be forwarded to HQDA (DAJA-IO), 2200 ARMY PENTAGON WASH DC 20310-2200 or, for security assistance issues, to HQDA (SAIS-IA-SA) WASH DC 20310-0512. Unless previously authorized by the Secretary of Defense, no action will be taken by any DA personnel to resolve or otherwise deal with any question having policy significance (see para 6a(1)) prior to obtaining the written concurrence of both USD(P) and DOD/GC. Any request from within DA for the authorization of USD(P) and DOD/GC to resolve such a question will be submitted through HQDA (DAJA-IO) WASH DC 20310-2200, or, for security assistance issues, HQDA (SAUS-IA-SA), WASH DC 20310-0512. DAJA-IO and SAUS-IA-SA will forward such requests to DUSA(IA). DUSA(IA) will effect coordination with the Office of the Army General Counsel prior to forwarding these requests to OSD.

#### **9. Transmission of four reproducible copies of international agreements**

*a.* Army elements concluding international agreements, other than intelligence agreements, must forward four copies, including foreign language copies, of the agreement, within 10 days after the agreement is signed, to HQDA (DAJA-IO), 2200 Army Pentagon, WASH DC 20310-2200. DAJA-IO will forward copies of the agreement to the following offices:

(1) The Assistant Legal Advisor for Treaty Affairs, Department of State, WASH DC 20520. (One copy)

(2) The General Counsel, Department of Defense, WASH DC 20301-1600, through the Army General Counsel. (Two copies)

*b.* International intelligence agreements, concluded by an Army element pursuant to this regulation, must be forwarded, within 10 days after the conclusion of the agreement, to the following DOD agencies:

(1) The General Counsel, National Security Agency, Fort Meade, MD 20755-6000. (One copy of all signals intelligence agreements)

(2) The General Counsel, Defense Intelligence Agency, WASH DC 20340-1029. (One copy of all other international intelligence agreements)

(3) The General Counsel, Department of the Army, WASH DC 20310-0104. (One copy of all international intelligence agreements)

*c.* All copies of agreements will be stamped or accompanied by a memorandum, certifying that the text of the agreement is a true copy of the original.

*d.* The time periods stated in paragraphs *a* and *b* above must be observed in order to comply with requirements of the Case Act (1 USC 112b). Principal HQDA officials and MACOM Commanders will ensure that these requirements are met. If the text of an agreement is not forwarded in a timely manner, the transmittal document will fully describe the reasons for the late transmittal.

*e.* Copies of international agreements transmitted in accordance with the above provisions of this paragraph will be accompanied by a memorandum of transmittal containing the following information:

(1) The parties to the agreement.

(2) A list of all United States and foreign governmental agencies or international organizations responsible for performing the terms of the agreement.

(3) The full title and security classification of the agreement.

(4) The subject of the agreement and a brief summary of its

provisions, including a statement of why the agreement was concluded at this time, the effect of the agreement, an explanation of benefits to be gained by the parties, and the geographic location where the agreement was signed.

(5) The specific statutory authority providing the substantive legal basis for the Army to enter into the agreement and to expend funds to implement the agreement.

(6) The date of entry into force.

(7) The date of signature.

(8) The date of termination, if any.

(9) The names of all signing officials, their titles and the offices or agencies they represent, and the countries or international organizations they represent.

(10) The full title(s) and date(s) of any agreement(s) that the agreement implements, supplements, amends, or to which it is otherwise related.

(11) The United States organizational element responsible for maintaining the negotiating history of the agreement.



## **Appendix A References**

### **Section I Required Publications**

This section contains no entries.

### **Section II Related Publications**

A related publication is merely a source of additional information.  
The user does not have to read it to understand this publication.

#### **AR 11–31**

Army International Activities Policy

#### **AR 27–50**

Status of Forces Policies, Procedures and Information

#### **AR 70–41**

Cooperation with Allies and Other Nations in Research and  
Development of Defense Equipment

#### **DODD 2010.9**

Mutual Logistic Support Between the United States and  
Governments of Eligible Countries and NATO Subsidiary Bodies

#### **DODD 2040.2**

International Transfers of Technology, Goods, Services, and  
Munitions

#### **DODD 5230.11**

Disclosure of Classified Military Information to Foreign  
Governments and International Organizations

#### **DODD 5530.3**

International Agreements

#### **DOD 7000.14–R, Vol 5**

Financial Management Regulation (Disbursing Policy and  
Procedures)

#### **FAR**

Federal Acquisition Regulations

#### **1 USC 112b**

Case-Zablocki Act

### **Section III Prescribed Forms**

This section contains no entries.

### **Section IV Referenced Forms**

This section contains no entries.

## Glossary

### Section I Abbreviations

#### ASA

Assistant Secretary of the Army

#### USD/C

Under Secretary of Defense/Comptroller

#### ASD/C31

Assistant Secretary of Defense/Command, Control, Communications and Intelligence

#### ASD/ISA

Assistant Secretary of Defense/International Security Affairs

#### ASD/ISP

Assistant Secretary of Defense/International Security Policy

#### DAJA-IO

The Judge Advocate General, International and Operational Law Division

#### DAMI-CH

Deputy Chief of Staff for Intelligence-Counterintelligence/Human Intelligence Directorate

#### DASD

Deputy Assistant Secretary of Defense

#### DIA

Defense Intelligence Agency

#### DOD/GC

Department of Defense/General Counsel

#### DSAA

Defense Security Assistance Agency

#### DUSA(IA)

Deputy Under Secretary of the Army (International Affairs)

#### DUSD(P)

Deputy Under Secretary of Defense (Policy)

#### FAR

Federal Acquisition Regulations

#### JCS

Joint Chiefs of Staff

#### MACOM

major Army command, including, for the purposes of this regulation, Third U.S. Army/ARCENT

#### MOA

Memorandum of Agreement

#### MOU

Memorandum of Understanding

#### NATO

North Atlantic Treaty Organization

#### NDP

National Disclosure Policy

#### ODCSLOG

Office of the Deputy Chief of Staff for Logistics

#### ODCSOPS

Office of the Deputy Chief of Staff for Operations and Plans

#### OSD

Office of the Secretary of Defense

#### OUSD(P)

Office of the Under Secretary of Defense for Policy

#### QSTANAGs

Quadripartite Standardization Agreements

#### SA

Secretary of the Army

#### SACW

Assistant Secretary of the Army, Civil Works

#### SAFM

Assistant Secretary of the Army/Financial Management and Comptroller

#### SAGC

Secretary of the Army/General Counsel

#### SAMR

Assistant Secretary of the Army, Manpower & Reserve Affairs

#### SARD

Assistant Secretary of the Army for Research, Development and Acquisition

#### SAUS-IA-IN

Office of the Deputy Under Secretary of the Army (International Affairs)(International Cooperation)

#### SAUS-IA-SA

Office of the Deputy Under Secretary of the Army (International Affairs) (Security Assistance)

#### SAUS-IA-RI

Office of the Deputy Under Secretary of the Army (International Affairs) (Regional Integration)

#### SJA

Staff Judge Advocate

#### STANAG

NATO Standardization Agreement

#### TJAG

The Judge Advocate General

#### USD(A)

Under Secretary of Defense for Acquisition and Technology

#### USD(P)

Under Secretary of Defense for Policy

### Section II Terms

#### *a. International agreement.*

(1) Any written agreement that is concluded with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization, and—

(a) Is signed or agreed to by personnel of any organizational element of the Department of Defense (DOD), or by representatives of the Department of State, or any other Department or Agency of the U.S. Government.

(b) Signifies the intention of the parties to be bound by international law.

(c) Is denominated as an international agreement, or as a memorandum of understanding, memorandum of agreement, memorandum of arrangements, exchange of notes, exchange of letters, technical arrangement, protocol, note verbale, aide memoire, agreed minute, contract, arrangement, statement of intent, letter of intent, statement of understanding, or any other term connoting a similar legal commitment.

(2) Any oral agreement that meets the criteria in (1) above. Such an agreement must be reduced to writing by the DOD representative who enters into the agreement.

(3) A North Atlantic Treaty Organization (NATO) Standardization Agreement (STANAG) that provides for mutual support or cross-servicing of military equipment, ammunition, supplies and stores, or the mutual rendering of defense services, including training.

(4) Umbrella agreements, implementing arrangements, and cross-servicing agreements concluded under the NATO Mutual Support Act (10 USC 2341 et seq.).

(5) Any extension, revision, or other amendment or modification to an agreement, as defined in paragraphs *a*(1) through (4) of this section.

(6) The following are not considered to be international agreements for the purposes of this regulation:

(a) Contracts made under the Federal Acquisition Regulations (FAR).

(b) Foreign Military Sales Credit Agreements.

(c) Foreign Military Sales Letters of Offer and Acceptance or Defense Sales Agreements.

(d) Shipping contracts performed under an international government bill of lading or other similar transportation documents.

(e) Foreign Military Sales Letters of Intent.

(f) Standardization Agreements (STANAGs) and Quadripartite Standardization Agreements (QSTANAGs) that record

the adoption of like or similar military equipment, ammunition, supplies and stores; or operational, logistic, and administrative procedures.

(g) Leases under 10 USC 2667 or 2675.

(h) Leases under 22 USC 2796.

(i) Agreements that establish only administrative procedures.

(j) Acquisitions or orders made pursuant to cross-servicing agreements concluded under the authority of the NATO Mutual Support Act (10 USC 2341 et seq.) and DOD Directive 2010.9.

*b. Negotiation.* Communication by any means of a position or an offer on behalf of the United States, the Department of Defense, or on behalf of any officer or organizational element thereof, to an agent or representative of a foreign government, including an agency, instrumentality, or political subdivision thereof, or of an international organization, in such detail that the acceptance in substance of such position or offer would result in an international agreement. The term "negotiation" includes any such communication, even though conditioned on later approval by the responsible authority. The term "negotiation" also includes the provision of a draft agreement or other document, the acceptance of which would constitute an agreement, as well as discussions concerning any U.S. or foreign government or international organization draft document, whether or not titled "agreement." The term "negotiation" does not include preliminary or exploratory discussions or routine meetings where no draft documents are discussed, so long as such discussions or meetings are conducted with the understanding that the views communicated do not and shall not bind or commit any party, legally or otherwise.

*c. Conclusion.* The act of signing, initialing, responding, or otherwise indicating the acceptance of an international agreement by the United States.

### **Section III**

#### **Special Abbreviations and Terms**

This section contains no entries.

## **Index**

This section contains no entries.

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